



# Decision Memo

## North Country Trail – Town of Drummond Connector

USDA Forest Service  
Washburn Ranger District  
Chequamegon-Nicolet National Forest

### Proposal

The development of a one-mile connector trail from the North Country National Scenic Trail (NCT) to the Town of Drummond, WI. Establishment of this trail will improve the tourism economy of the Town of Drummond and provide another access point to the NCT for hikers.

### Location

The project is located in Bayfield County at T45N, R7W, Sections 33.

### Decision

I have decided to build the proposed North Country Trail - Town of Drummond Connector Trail. The majority of the trail is on an old railroad grade and a section of this trail overlaps with the existing Drummond Woods trail. This action involves brushing, tree removal and installation of signs.

The trail will utilize Trail Class 3 (NCT – TMO) parameters and be designed for hiker-pedestrian use. Trail Class 3 (NCT – TMO) Trail Design parameters include a tread width of 18"-48"; Clearing width 12" to 18" outside of tread edge; with a native surface. Installation of the trail will be completed by hand crews.

### Tribal Involvement

The Forest Service contacted Tribal Chairs, Tribal Historical Preservation Officers, and Tribal Natural Resource Staff to see if they have any comments or questions regarding the project proposal. No issues have been identified.

Contacts included: Bad River Band of Lake Superior Chippewa Indians, Bay Mills Indian Community, Fond du Lac Band of Lake Superior Chippewa, Forest County Potawatomi Community, Ho-Chunk Nation, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Menominee Indian Tribe of Wisconsin, Mille Lacs Band of Chippewa Indians, Oneida Tribe of Indians of Wisconsin, Red Cliff Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, Mole Lake Chippewa Tribe, St. Croix Chippewa Indians of Wisconsin, Stockbridge-Munsee Band of Mohican Indians, Great Lakes Indian Fish and Wildlife Commission, and Wisconsin Tribal Conservation Advisory Council.

## Public Involvement

This project was developed with the help from Northland College, the North Country Trail Association, and the Town of Drummond. No impacts or issues were identified from the public.

## Reasons for Categorically Excluding this Action

The Forest Service has identified typical classes of actions that normally do not require documentation in an environmental impact statement (EIS) or environmental assessment (EA) per 40 CFR 1507.3 (b) (2). These types of actions are called categorical exclusions. An action may be categorically excluded from documentation in an EIS or an EA only if that action falls within one of the identified categories in the Code of Federal Regulations (CFR) at 36 CFR 220.6 (d) and (e) and when there are no extraordinary circumstances (36 CFR 220.6 (b)).

This action falls within the following categories for which a project or case file and Decision Memo are required:

- 36 CFR 220.6(e)(1): Construction and reconstruction of trails.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I base this finding on the review of extraordinary circumstances which is documented in the Project File document titled: Review for Extraordinary Circumstances, North Country Trail – Town of Drummond Connector (EC Checklist). I considered resource conditions identified in 36 CFR 220.6 (b):

- *Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species:*  
The project location is within known wolf pack territories. Overall project actions would occur in a small portion of the respective wolf pack territories. No known wolf dens occur in the proposed project areas and project actions are not expected to negatively affect overall habitat suitability of wolves or their prey species. Determination – *No Impact*.

The project location is within suitable habitat Northern Long-eared bat (*Myotis septentrionalis*), Little brown bat (*Myotis lucifugus*), Tri-colored bat (*Perimyotis subflavus*), and Big brown bat (*Eptesicus fuscus*). Suitable potential roosting and foraging habitat is present within and adjacent to the project area. Direct impacts to these bats could occur as the proposed activities could take place during times when bats are active on the landscape (approximately April to October). Indirect effects would occur because of expected removal of 50 trees which impacts suitable habitat. Tree removal is considered Not Prohibited Incidental Take under the Final 4(d) rule (50 CFR Part 17, Docket No. FWS-R5-ES-2011-0024; 4500030113, Endangered and Threatened Wildlife and Plants: 4(d) Rule for the Northern Long-eared Bat). Consultation and concurrence with USFWS was completed on May 28, 2021. All Final 4(d) Conservation Measures and appropriate Forest Service R9 Conservation Measures will be followed.

- Northern Long-eared bat (*Myotis septentrionalis*) Determination – *May affect, not likely to adversely affect*.
- Little brown bat (*Myotis lucifugus*), Tri-colored bat (*Perimyotis subflavus*), and Big brown bat (*Eptesicus fuscus*) Determination - *May impact, not likely to trend to Federal listing or loss of viability*

## North Country Trail – Town of Drummond Connector: Decision Memo

- *Flood plains, wetlands, or municipal watersheds* would not be affected. There are no municipal watersheds, wetlands or flood plains within the affected area (EC Checklist).
- This action does not take place in *Congressionally designated areas such as Wilderness, Wilderness Study Areas, or National Recreation Areas* (Forest Plan FEIS 3-199, 3-201 and EC Checklist).
- This action is not within or adjacent to an *Inventoried Roadless Area (Forest Plan FEIS Appendix C and 2000 Roadless Area Conservation Rule or RACR)* (EC Checklist).
- This action is not within or adjacent to *Research Natural Areas or RNAs* (Forest Plan FEIS Appendix N) (EC Checklist).
- *American Indian and Alaska Native religious or cultural sites* are not expected to be affected by these actions (EC Checklist).
- *Archaeological sites or historic properties or areas* would not be affected by these actions (EC Checklist).

Based upon experience with similar types of projects, this action is considered minor in context and intensity. This action is categorically excluded from documentation in an environment assessment or environmental impact statement.

### Findings Required by Other Laws and Regulations

**Clean Water Act, As Amended 1977:** The Federal Water Pollution Control Act of 1972, as amended, is commonly referred to as the Clean Water Act. Under Section 404, the U.S. Army Corps of Engineers (ACOE) has been given responsibility to regulate the discharge of dredged and fill material into waters of the United States, including wetlands (33 CFR 323.3). There is no discharge of dredged and fill materials into waters or wetlands associated with this project.

**Endangered Species Act (ESA) of 1973, As Amended 1978, 1979, 1982, 1988 (16 U.S.C. 1531):** This Act provides direction to the Forest Service to establish objectives for habitat management and recovery through the Forest Plan for the conservation and protection of endangered and threatened species. This project is consistent with these guidelines. There is no critical habitat present in the project area. No impacts to threatened or endangered species are expected except for NLEB. See the previous section of this document. The project is consistent with the programmatic biological opinion for the NLEB final 4(d) rule, dated January 5, 2016. Any take of NLEB that may occur incidental to this project is not prohibited and would not result in jeopardy to the species.

**National Historic Preservation Act (16 U.S.C. 470):** This Act provides direction for Federal agencies to establish a program for preservation of historic properties. In compliance with this act, potential impacts to sites eligible for the National Register of Historic Places were considered in this analysis. No impacts are expected. If archaeological remains are found prior to or during implementation, work will stop immediately until evaluation and clearance are provided.

**Wilderness Act:** There is no designated or proposed Wilderness within the project area (Forest Plan FEIS 3-199).

## North Country Trail – Town of Drummond Connector: Decision Memo

### Contact

For additional information concerning this decision, contact the project leader Marc Ankenbauer, 113 Bayfield St East, Washburn, WI 54891; phone number: (715)373-2667 ext. 5233; email: marc.ankenbauer@usda.gov.

### Implementation Date

Implementation may start immediately after the date of signature on this document.

### Signature

7/13/2021

X /S/ Bradley P Turberville

---

Bradley Turberville

District Ranger

Signed by: Department of Agriculture

Enclosure: Map

*In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.*

*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*

*To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

*USDA is an equal opportunity provider, employer, and lender.*